IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 8610/2002

RANVIR SINGH Vs. URBAN IMPROVEMENT TRUST & ORS.

DATE: 27.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Ranvir Singh for the petitioner.
Mr. Anil Agarwal for the respondent UIT.

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The petitioner purchased a plot No. B-168 measuring 571.11 Sq. Yds. situated in Jawahar Nagar Scheme, Bharatpur in the auction held on 22.03.93. He deposited a sum of Rs. 71,950.50 on 22.03.93 and after depositing the said amount, he was waiting for demand of notice to deposit the balance amount, which was required to be deposited by the petitioner. Vide notice dated 12.10.93, the petitioner was informed to deposit the balance amount of the sale price with 15% interest thereon and 10% penalty with lease money up to 31.03.94 totalling to Rs. 2,50,795.28. Since the petitioner has not deposited the aforesaid amount, therefore, the plot in question was re-auctioned and was purchased by the respondent No.3 Dr. Raj Kumar S/o Shri Madan Lal, who deposited the entire auction amount.

Initially at the time of filing of the writ petition, the purchaser Dr. Raj Kumar was not made party to the writ petition and thereafter he was impleaded as party. It is not disputed that the respondent No.3 Dr. Raj Kumar has purchased the plot in question in re-auction and also deposited the entire amount.

On behalf of the respondent U.I.T., it is submitted that the petitioner prior to filing of this writ petition, also filed a civil suit along with the temporary injunction application in the year 1994. The application for temporary injunction was decided by the Additional Civil Judge (Sr. Division) No.3, Bharatpur vide order dated 29.10.99 and thereafter the suit filed by the petitioner was dismissed by the Additional Civil Judge (Sr. Division) No.4, Bharatpur vide its order dated 14.09.2001. Against the aforesaid order dated 14.09.2001, the petitioner filed an appeal and the same was also disposed of.

Thereafter, the respondent UIT, as per rules, re-auctioned the said plot on 25.06.2002 and the same has been purchased by respondent No.3 Shri Raj Kumar.

In view of these facts and circumstances of the case, it is not disputed that the petitioner has not deposited the balance amount and only submits that

he was waiting for demand of notice which was not issued, therefore, he was unable to deposit the balance amount in lieu of auction price of the plot in question. But this fact is denied as the demand notice was issued to the petitioner and the petitioner failed to deposit the balance amount, therefore, sale made in favour of the petitioner has been cancelled and the plot was re-auctioned and the same was purchased by respondent No.3 Raj Kumar and the petitioner after facing battle in the Civil Court, has preferred this writ petition.

Thus, I find no merit in the writ petition and the same deserves to be dismissed being devoid of merit.

Consequently, the writ petition fails being devoid of merit and the same is accordingly dismissed.

The stay application also stands dismissed.

(K.S. RATHORE),J.

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